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DIGEST OF OTHER RECENT VIRGINIA DECISIONS.

Supreme Court of Appeals.

Note.—In this department we give the syllabus of every case decided by the Virginia Supreme Court of Appeals, except of such cases as are reported in full.

McCRAW *v.* VERNON *et al.*

Sept. 15, 1910.

[68 S. E. 979.]

Insurance (§ 594*)—Assignment of Benefits.—The assignment by deceased's sister of the benefit of his life policy to his wife, which stated that she relinquished all her interest and claims to it, amounted no only to an assignment, but a relinquishment of all her interest, though the wife's name was omitted, and, it being shown that she was the intended assignee, equity would supply her name.

[Ed. Note.—For other cases, see Insurance, Cent. Dig. § 1457; Dec. Dig. § 594.* 9 Va.-W. Va. Enc. Dig. 347, *et seq.*]

Appeal from Corporation Court of Radford.

Suit by Nannie McCraw against Rena Vernon and another. Decree for defendant Vernon, and plaintiff appeals. Reversed and remanded.

BARNES *et al. v.* CROCKETT'S ADM'R.

Sept. 15, 1910.

[68 S. E. 983.]

1. Novation (§ 4*)—Intention.—Whether the taking of a new security of equal dignity is to be treated as a novation is a matter of intention, to be determined from all the facts and circumstances.

[Ed. Note.—For other cases, see Novation, Cent. Dig. § 4; Dec. Dig. § 4.* 10 Va. W. Va. Enc. Dig. 495; see also, 14 *id.* 786.

2. Novation (§ 4*)—What Constitutes.—Where land was deeded to brothers on condition that they pay a certain sum to their sisters, for which there should be a lien on the land, a release of the lien and the taking, in lieu thereof of the brothers' bonds for the amount due not only released the lien, but merged the brothers' implied contract under the deed into an express promise to pay under seal.

[Ed. Note.—For other cases, see Novation, Cent. Dig. § 4; Dec. Dig. § 4.* 9 Va.-W. Va. Enc. Dig. 785, *et seq.*; see also, 10 *id.* 497.]

3. Deeds (§ 157*)—Conditions—As Creating Implied Contract.—Though the grantees in a deed containing a condition that they should

*For other cases see same topic and section NUMBER in Dec. Dig. & Am. Dig. Key No. Series & Rep'r Indexes.